

REMARKS

Claims 6, 7 and 9-18 are pending. Claims 6, 10-12 and 18 have been amended, and claim 12 has been canceled. Bases for the amendments are in the specification at page 18, line 6-page 19, line 2, prior claim 18, and Figures 3, 5, 6 and 7. Entry of the amendments and reconsideration of the application are respectfully requested.

An interview was held by telephone on June 24, 2009 with the Examiner, the inventor, Mr. Steven C.P. Joseph, and the undersigned attorney. An earlier version of the claim amendments and the substantive portions of the office action were discussed. The remarks which follow reflect the discussion in the interview and are intended to fulfill the requirement for a written statement.

Claims 6, 7, 9, 10, 14, 17, and 18 have been rejected as obvious under 35 USC § 103(a) over Kaltenbach U.S. patent 3,432,104 in view of Williams U.S. Patent 5,061,303. This rejection is traversed in part and has been avoided in part by the amendments to claims 10 and 18.

Differences between the amended claims and the references are:

1. Amended claim 10 requires a container with a collapsible side wall and a base on which the side wall can stand unsupported in an upright position, and this feature is not in the references. The Office has pointed out items 30 and 20 in Kaltenbach referring to 20 as a side wall. Kaltenbach item 20 is a disposable liner for container 20, and it is not disclosed as having the ability to stand upright. It is said to be made of flexible plastic film material the sides of which are pleated to allow it to expand when filled with liquid (Kaltenbach column 2, lines 59-63). As discussed in the interview, Claim 10 has been amended to make it clear that the side wall (e.g., 11C in Fig. 3) can stand in an upright position while it is also collapsible.
2. Claim 10 requires that its filter is sufficiently rigid to maintain an elongate tubular shape and sufficiently flexible to allow it to collapse as the container side wall collapses. A filter with these characteristics is not in the references. Office Action page 3 says Williams discloses a filter bag unit 24 being collapsible in order to easily remove and install the unit, as shown in Williams Fig. 4, and that it would have been obvious to replace Kaltenbach's filter with a collapsible filter as taught by Williams. Williams' filter units are designed for use in a dust collector, which is generally a large apparatus used in factories to filter dust from a gas stream,

and one function of his design is to prevent collapse of the filter bag (column 5, lines 8-15). The upper portion of his filter unit is designed to distort under a squeezing force (exerted by a workman removing or installing the unit) as taught in Williams column 5, lines 53-62, column 6, lines 11-37 and Fig. 4. However, Williams' whole filter unit will not collapse, as required by the present rejected claims, because of its structure. His filter unit has a plurality of longitudinal supports (metal rods 48 combined with retainer ring 50) to maintain the filter bag in a tubular configuration (Williams column 4, line 65-column 6, line 5). It is the upper end of Williams' filter unit that has biasing means (the combination of collar portion 42, snap band spring 46, rods 48 and garter spring 54) allowing the upper end to be squeezed down during removal or installation. The part of Williams' cage structure below the upper portion is stiff and not collapsible because it comprises the combination of rods 48 welded to retainer ring or rings 50 (column 5, lines 8-34). Although, as the Examiner pointed out during the interview, Williams' rods 48 are said to have resiliency (column 5, line 18) his structure (other than the top part) would not collapse. The whole body of the filter in the rejected claims is sufficiently flexible to collapse as the container containing it collapses.

3. Claim 10 has been amended by adding limitations (formerly in claim 18) requiring a lid having both the filler opening and a separate opening for connection to a spraying apparatus. With this amendment, Kaltenbach is clearly avoided, since there is just one opening in his cover 28.
4. Claim 6 requires a cage surrounding the filter tubular body which cage is sufficiently flexible to allow the filter to collapse if the container collapses (see Figs 6-7 of the present application for an example), and this feature is not found in the references. Office action page 3, third paragraph, says Williams discloses a cage 40 that surrounds the tubular body of filter 24 within container 10 which cage 40 is sufficiently flexible to allow the filter 24 to collapse if the container containing it collapses as shown in Fig. 4. This assertion by the Office is specifically traversed. As discussed in the interview, Williams' cage 40 is inside his filter bag 38, and does not, therefore, surround the filter. As noted at Office Action page 10, the word "surround" means "to form an enclosure around" and "something serving as a border". In Williams apparatus, the cage 40 is located inside the filter bag 38 to maintain the bag in its fully extended

or tubular configuration (column 5, lines 8-15, and Fig. 2). Thus, Williams' filter bag surrounds his cage, just the opposite of claim 6.

Secondly, Williams' cage 40 is not sufficiently flexible to allow the filter 24 to collapse if the container containing it collapses. All of the parts of Williams to which the Office has referred show only the top portion of Williams' cage being distorted, see above discussion. A person of skill would not contemplate the collapse of Williams' cage as a container collapsed, because the container in which his filters and cages are located (dirty air chamber 14 in Williams Fig. 1) is part of a dust collector that does not collapse in use; whereas, the container of claim 6 is intended to collapse as liquid paint is withdrawn from it.

Thirdly, as discussed in the interview, claim 6 has been amended to require that the cage is sufficiently flexible to allow the filter to collapse along its whole length, as is the case with the cage shown in Figs. 6 and 7. Williams' cage does not have this capability.

Because of the differences pointed out above, the inventions of claims 6, 7, 9, 10, 14, 17 and 18, as amended, are not obvious from the combination of Kaltenbach and Williams. The modifications necessary to these references in order to overcome the differences noted above are too substantial to have been obvious to the person of ordinary skill.

Claims 15 and 16 have been rejected under 35 U.S.C. 103(a) over Kaltenbach in view of Williams and further in view of Brown U.S. Patent 2,175,714. This rejection is traversed.

Claim 15 requires the tubular filter body to be oriented at an angle not parallel to the side wall of the container, and this limitation is absent from the references. Office action page 5, first paragraph says, "Brown discloses a filtering receptacle, as shown in Fig. 1, having a filter 13 oriented at an angle not parallel to a side wall of a receptacle 1 ..." This assertion is specifically traversed. At Brown page 1, second column, lines 5-30 and Fig. 1, he describes his filtering bag 13 as being folded about U-shaped member 17 so that it can be passed into the body of receptacle 1. Lines 29-37 state that, as liquid fills the bag 13, it expands, the capacity of the bag being preferably, substantially one-half of the capacity of the receptacle 1. A bag has no orientation since it has no rigidity; whereas, the filter of claim 15 (being dependent from claim 10) is sufficiently rigid to maintain an elongate, tubular shape and can have an orientation. It is respectfully submitted that Brown does not disclose a filter oriented at any particular angle.

The reasoning stated above with respect to the nonobviousness of claim 10 also applies to claims 15 and 16.

Claims 9-18 have been rejected under 35 U.S.C. 103(a) over Joseph WO 02/085533 A1 in view of Joseph WO 98/32539. During the interview, the Examiner noted that this should have been stated as a rejection of claims 10-18. This rejection is has been avoided by the attached Rule 131 Declaration by the inventor establishing the invention of the rejected claims prior to the effective date of Joseph WO 02/085533 (October 31, 2002). Joseph WO02 has been avoided as a reference.

Claims 6 and 7 have been rejected under 35 U.S.C. 103(a) over Joseph WO02 and Joseph WO98 further in view of Williams. During the interview, the Examiner noted that this should have been stated as a rejection of claims 6, 7 and 9, since the Williams patent was applied against claim 9. This rejection has been avoided by the attached Rule 131 Declaration by the inventor.

In view of the above discussion, it is respectfully submitted that claims 6, 7, and 9-18, as amended, are in condition for allowance. Withdrawal of the rejections under 35 U.S.C. 103(a) is requested, and a notification of allowability is respectfully solicited. If any questions or issues remain, the resolution of which the examiner feels would be advanced by a conference with the undersigned attorney, she is invited to contact such attorney at the telephone number noted below.

Respectfully submitted,

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Date

By: _____ /Douglas B. Little/

Douglas B. Little, Reg. No.: 28,439
Telephone No.: 651-733-1501

Office of Intellectual Property Counsel
3M Innovative Properties Company
Facsimile No.: 651-736-3833